

CHAPTER 15.58

Sight Distance

15.58.010 Purpose.

The purpose of the sight distance Chapter is to provide for the preservation and promotion of the public health, welfare and safety of the inhabitants of the City by establishing minimum standards for the unobstructed cross visibility at intersections of two (2) public rights-of-way. (Ord. 718 89, 1989)

15.58.020 Definitions.

Administrative authority means the City Manager or his or her designated representative.

Controlled streets means a street on which vehicular traffic is required by law to yield the right-of-way to vehicles on a through street or highway in obedience to a stop sign, yield sign or other traffic control device.

Corner triangular area means the area formed by two (2) overlapping triangles at a corner intersection of two (2) public streets.

Flowline means the transition between the gutter and the face of the curb within a public road right of way. For a cross or valley pan, it is the center of the pan. Where no curb exists, the flowline will be considered the edge of pavement or roadway of the outside traveled lane.

Sight distance means the unobstructed view of a driver of a motor vehicle or a pedestrian within a corner triangular area at the intersection of two (2) public road rights-of-way.

(1) The first triangle shall be described with two (2) equal sides formed by the intersection of the flowlines of the respective streets and measured from the point where they meet twenty-five (25) feet along each respective flowline. The third side shall be the line connecting the two (2) other sides. If a public alley intersects a public street, the first two (2) sides of the triangle will measure only fifteen (15) feet.

(2) The second triangle shall be described as having a base measured along the flowline of the through street from the point where the flowline meets the centerline of the controlled street three hundred (300) feet in each direction along the flowline of the through street. The height of the triangle is described as being measured from the point where the flowline of the through street meets the centerline of the controlled street ten (10) feet along such centerline. From this point the remaining two (2) sides are constructed by connecting lines to each end point of the base of the triangle.

Sight distance obstruction – public nuisance means any object or objects that interfere with the ability of motor vehicle operators or pedestrians to adequately view traffic or control devices for the purpose of safe and proper use of public rights-of-way; such objects shall include, but not be limited to; walls, fences, hedges, shrubs, trees, signs, benches, vehicles and other such objects extending more than three (3) feet above flowline; or suspended less than eight (8) feet above the surrounding grade; or, obstructing more than ten percent (10%) of the sight distance. A sight distance obstruction is hereby declared by the City Council to be a safety hazard and thereby a public nuisance.

(1) Exempted shall be permanent buildings, suitable for human occupancy, for which a valid building permit had been issued prior to the effective date of this Chapter.

(2) The provisions of Chapter 19.56 of this Code, concerning nonconforming uses and buildings, shall not apply to *sight distance obstructions*. (Ord. 718 89, 1989)

15.58.030 Violation.

It shall be unlawful for any person who is an owner, occupant or other person in charge of any lot, block or parcel of land on which a sight distance obstruction exists to fail to remove such an obstruction within the time and manner prescribed by a "Notice of Abatement" duly served on such person as provided below. (Ord. 718 89, 1989)

15.58.040 Abatement of sight distance obstruction – notice required.

If any owner, occupant or person in charge of any lot, block or parcel or land within the city fails to remove a sight distance obstruction within ninety (90) days after being notified to do so by the administrative authority of the City by certified and first-class mail or personal service, (in any case notice must always be provided to the owner), the administrative authority may direct that the sight distance obstruction be removed by an employee or subcontractor of the City and charge the total cost thereof to such owner, occupant or person in charge of such lot, block or parcel of land together with five percent (5%) additional for inspection and other incidentals. (Ord. 718 89, 1989)

15.58.050 Abatement by City – collection of cost.

A. In the event a sight distance obstruction is removed by order of the administrative authority of the City, the total cost of removing such sight distance obstruction shall be paid to the City Clerk within thirty (30) days after mailing by the City Clerk to the owner of such lot, block or parcel of land by certified and first class mail, notice of assessment of such cost.

B. Failure to pay such assessment within such period of thirty (30) days shall cause such assessment to become a lien against such property and shall have priority over all liens except general taxes and prior special assessments and the same shall be certified at any time after such failure to so pay the same within thirty (30) days by the City Clerk to the County Treasurer to be placed upon the tax list for the current year to be collected in the same manner as other taxes are collected. (Ord. 718 89 1989)

15.58.060 Right of entry on property.

Upon presentation or proper credentials the administrative authority or agents of the City may enter upon any property, vacant lots or premises in the City to perform any duty imposed by this Chapter. (Ord. 718 89, 1989)

15.58.070 Property owner's right to hearing.

The persons to whom notice required under Section 15.58.040 of this Chapter is directed, may file a written request for a hearing before the Building and Fire Code Board of Appeals within the ninety-day period of compliance prescribed above by filing a written request with the City Clerk. The hearing shall be held as soon as practicable after the filing of the request, but in no event later than thirty (30) days after such filing. The persons to whom notices are directed shall be advised of the time and place of the hearing at least five (5) days in advance thereof. The decision of the Building and Fire Code Board of Appeals after hearing shall be final and, until such decision, the City shall not commence any of the

procedures under Section 15.58.040 above for removal. However, if the decision of the Building and Fire Code Board of Appeals is adverse to the person requesting the hearing, then he or she shall have ten (10) days from such decision to perform the work himself; and if such work is not performed within such ten (10) days; the City may then implement its removal procedures. (Ord. 718 89, 1989)

15.58.080 Immediate hazard.

If the administrative authority determines that a particular "site distance obstruction" constitutes an imminent danger such obstruction may be removed immediately and prior to the notice period provided in Section 15.58.040 above. Notice, however, shall be provided as soon as practicable and the persons in interest shall have a right to request a hearing as provided in Section 15.58.070 above within thirty (30) days of such notice. (Ord. 718 89, 1989)

15.58.090 Penalty.

Any person who violates any of the provisions of this Chapter is guilty of a violation of this Chapter and shall be punished as provided in Section 1.16.010 of this Code. (Ord. 842-92, 1992: Ord. 718 89, 1989)